

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

CHLOE ALLEN and SANDRA
ALLEN as next friend of H.A,

Plaintiffs,

v

Judge Hala Y. Jarbou
Magistrate Judge Maarten Vermaat
No. 23-00200

ESCANABA AREA PUBLIC SCHOOLS,

Defendant.

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**EXHIBIT C (REDACTED) TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**

EXHIBIT C

**Deposition of Chloe Anne Allen
August 14, 2024**

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF MICHIGAN

3 CHLOE ALLEN and SANDRA)
4 ALLEN as next friend of H.A.,)
5 Plaintiffs,)
6 v.) Case No. 23-00200
7 ESCANABA AREA PUBLIC SCHOOLS,)
8 Defendant.)

9 DEPOSITION OF CHLOE ANNE ALLEN

10 Taken by the Defendant on the 14th day of August, 2024,
11 at the Courtyard Room of Escanaba Upper Elementary
12 School, 1500 Ludington Street, Escanaba, Michigan, at
13 8:48 a.m. (EST)

14 APPEARANCES:

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26 REPORTED BY: Ms. Natalia Rutkowski, CSR #9088
27 Certified Shorthand Reporter
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31 ALSO PRESENT: Ms. Sandra Allen
32 [REDACTED]
33 Mr. Corey Allen

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1 be working on.

2 Q. Okay. And it's your belief that no freshman played up
3 until that point?

4 A. I think there may have been one freshman, but I believe
5 that was it.

6 Q. All right. And what was her name?

7 A. Haley Howe.

8 Q. Do you think Haley was a better hockey player?

9 A. Yeah, she was a good hockey player.

10 Q. How many women were on that team?

11 A. 20-something. I don't know the exact number off the top
12 of my head.

13 Q. 20 or so?

14 A. Yeah.

15 Q. All right. And where would you rank yourself
16 subjectively in that 20?

17 A. Probably in the middle. Maybe a little bit below the
18 middle.

19 Q. All right. And what's the coach's name?

20 A. Matt Parker.

21 Q. Did you like Mr. Parker?

22 A. Yes.

23 Q. All right. And women's hockey at the college level is
24 also no body check, correct?

25 A. Correct.

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1 Q. It's a penalty if you body check?

2 A. Sometimes. It's supposed to be, but they don't call it
3 as much in women's hockey.

4 Q. All right. And how is your knee doing now?

5 A. Better.

6 Q. All right. Did that require surgery?

7 A. Yes.

8 Q. And when was the surgery date?

9 A. I believe it was -- I believe April 5th, but I'm not
10 exactly sure off the top of my head.

11 Q. All right. No problem. And how did you hurt your knee?

12 A. It was weightlifting. I had done a barbell squat, and I
13 had a pop in my knee.

14 Q. So it was immediate, you knew you did something?

15 A. Yes.

16 Q. All right. And was that in a Lake Superior State
17 University weight room?

18 A. Yes.

19 Q. Were there other people around?

20 A. Yes.

21 Q. Did you go to the hospital that day?

22 A. Yes, that night.

23 Q. All right. And do you remember when it happened, the
24 actual injury?

25 A. I know it was at the end of November. It happened around

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1 8:30 that night. I can't remember the exact date, but it
2 was at the end -- towards the end of November.

3 Q. Okay. And it took that long to get the surgery
4 scheduled?

5 A. Yes.

6 Q. All right. How mobile were you during that time period?

7 A. The first couple of months, I wasn't very mobile. I was
8 on crutches for, I'd say, well over a month, along with a
9 knee brace. And then I was able to go off crutches and
10 still have the knee brace.

11 And then I was able to work off -- I went to
12 physical therapy before I had surgery to try to get some
13 motion back. Because while we were waiting for all the
14 scans to come back and everything, the doctor wanted me
15 to have more motion in my knee so that surgery and my
16 recovery time would have been easier because I was so
17 stiff and didn't have a lot of mobility. So I was going
18 to physical therapy.

19 So I'd say around the end of December and
20 January, I was able to somewhat walk, but it was very
21 hard to. I was limping and could only walk a short
22 distance.

23 Q. All right. And you're all done with PT post-surgery now?

24 A. Yes.

25 Q. And do you feel like you're back to 100 percent, or not

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1 quite?

2 A. I'd say 95 percent.

3 Q. Well, that's good. And is there still room for
4 improvement, or do you think you hit maximum medical
5 improvement at this point?

6 A. I think I still have improvement.

7 Q. All right. And how did you pick Lake Superior State
8 University to start your freshman year as opposed to
9 Northern?

10 A. Well, I kind of wanted to go somewhat far away from town
11 to kind of experience different things, but I didn't want
12 to be too, too far away from home. And at the time,
13 Lake Superior was a good option academically, and I
14 thought it was going to be a good school, as they kind of
15 had shown to everyone. And so, it was a good choice at
16 the time.

17 Q. Okay. In the year prior to going to Lake Superior State
18 University, you were playing for a Traverse City team?

19 A. Yes.

20 Q. All right. And what was the name of that team?

21 A. Traverse City Women's 19U. We just went by "Traverse
22 City."

23 Q. So it was just Traverse City Women's --

24 A. (Nodding)

25 Q. All right. It seems like there should be a mascot or

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1 Q. That would surprise you?

2 A. Yes.

3 Q. Okay. So are there any other hockey leagues that you
4 played in above 12U?

5 A. Yes. I played AAA with the Jr. Yoopers.

6 Q. And what years would that have been?

7 A. I don't have the exact years off the top of my head, but
8 it had to -- it was probably the year 2016-2017. And
9 then I also played with the Warriors AAA team, and I
10 believe that was 2017-2018.

11 Q. And, I'm sorry, that was '17-'18?

12 A. Yeah, I believe so. And I think I played with the
13 Yoopers from 2015 to 2016 as well.

14 Q. Oh, so you had like two stints with them?

15 A. Yeah, I believe so.

16 Q. Okay. And how old would you have been in the 2015-2016?
17 Would that still be 14U?

18 A. Yes.

19 Q. Was that coed?

20 A. No.

21 Q. This was a girls' league?

22 A. Yes.

23 Q. All right.

24 A. And the Warriors was 16U.

25 Q. Oh, the Warriors was 16U?

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1 A. Yes.

2 Q. All right. And was that coed or girls?

3 A. Girls.

4 Q. All right. So what coed teams have you played on with
5 boys?

6 A. All of the years I played with Escanaba would have been
7 with boys.

8 Q. Okay. So what was the most recent -- the last time you
9 played on a boys' league?

10 A. Bantams.

11 Q. And that was the 14U rec league?

12 A. Correct.

13 MR. MILLER: And I mentioned before you all
14 were here. I have sparkling water if anyone is thirsty,
15 so ... When I talk a lot, my mouth gets dry.

16 Are you doing all right?

17 THE COURT REPORTER: Yeah, I'm doing all right.
18 Thank you.

19 MR. MILLER: All right. And I didn't mention
20 that if at any time you need a break, it's not a torture
21 test.

22 THE WITNESS: Okay.

23 MR. MILLER: So feel free to use the bathroom,
24 take a break.

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1 Q. All right. And how many years did you -- Was that
2 volunteer?

3 A. Yeah.

4 Q. All right. How many years did you volunteer doing that?

5 A. Two.

6 Q. And how did you get into that?

7 A. I kind of just asked the coach if they needed any help
8 because they were always asking us for help if we ever
9 had time to. So I would -- Whenever I had time, I would
10 go out and just help with the IPs and the mites.

11 Q. Okay. So it was just kind of when it fit into your
12 schedule?

13 A. Yes.

14 Q. All right. And prior to your senior year at Escanaba,
15 had you tried out for an Escanaba Schools hockey team?

16 A. No.

17 Q. Okay. And why not?

18 A. Because I was off playing with other teams, and the other
19 teams that I was playing for were potentially a higher
20 level tier and everything than the high school team was,
21 and I wanted to focus on my own ability and possibly look
22 for colleges to play at, if that ever came about. And my
23 plan since I was a little kid was to play my senior year
24 on the high school team.

25 Q. Okay. So the Petoskey 19U team, that was a higher level

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1 of hockey than Escanaba Varsity Boys Hockey?

2 A. Yes.

3 Q. And when you say "higher level," what do you mean?

4 A. I mean, it's just -- I think Escanaba was either a
5 Division 3 or a Division 2. And then compared to the
6 rest of the high schools, there's Division 1 and other
7 teams that are a way higher level than Escanaba would be.

8 Q. And when you're saying "level" in the high school
9 context, you're talking about the size of the school
10 district itself, correct?

11 A. Yes, and just the team in general.

12 Q. Because Houghton is a pretty small school, but a super
13 good hockey team, right?

14 A. Yes.

15 Q. Okay. So you never tried out freshman, sophomore, or
16 junior year?

17 A. No.

18 Q. All right. Are you aware that Escanaba is a co-op team?

19 A. No, I was never aware of that.

20 Q. Do you know what that means?

21 A. Yes.

22 Q. Okay. What's a co-op team?

23 A. Oh, I'm sorry. Yes, I do know what a co-op team is.
24 It's where they work with Gladstone; is that right?

25 Q. Yep.

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1 A. Yes. Then, yes.

2 Q. All right. So the team is essentially both Escanaba and
3 Gladstone Schools?

4 A. Yes.

5 Q. But under the Escanaba name?

6 A. Yes.

7 Q. Okay. And do you know how long it's been a co-op team?

8 A. I don't know how long it's been a co-op team, no.

9 Q. All right. And for varsity athletics, you would agree
10 the goal for schools is to win games at that point,
11 correct?

12 A. Correct.

13 Q. All right. So it should be, ability and talent is what
14 matters; is that fair?

15 A. Yep.

16 Q. All right. And in contact sports, you would agree that
17 size is a factor, correct?

18 A. Maybe a small amount, but not entirely, no.

19 Q. Okay. And I'm sorry if this is an insensitive question,
20 but about how tall and how much did you weigh your senior
21 year at Escanaba Schools?

22 A. 5'6" and around 140 pounds.

23 Q. Okay. I saw a reported weight at 130. Is that --

24 A. I don't think I've been 130 since like maybe my sophomore
25 or freshman year.

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1 A. No, it wouldn't surprise me. He watched me play hockey
2 growing up, but not necessarily at any of like -- when I
3 played for Toskey or any teams like that. Once I aged
4 out of bantams, I never really seen him because most of
5 my games or tournaments or anything were in Minnesota or
6 Wisconsin or downstate.

7 Q. All right. I'm going to start asking some questions
8 about why we're here.

9 The tryouts for Escanaba Varsity Hockey, was it
10 October 31st? Was that the first day?

11 A. Yes.

12 Q. And that was a three-day tryout?

13 A. Yes.

14 Q. And how did you learn of the tryout?

15 A. I had -- Actually, the day of the tryout, I left school
16 early to try to get some rest because I was sick. And I
17 went to the tryout, and I was out there for maybe five to
18 ten minutes before I began --

19 Q. I'm sorry to interrupt. But to jump back real quick.
20 How did you learn the tryouts were happening just in
21 general?

22 A. Oh. They talked about it over the announcements at
23 school a couple days prior. But prior to that, I had
24 learned from my brother and my dad and my mom.

25 Q. Okay. And did you talk to Coach Johnson prior to the

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1 tryouts at all and say, "Hey, I'm going to come to the
2 tryouts"?

3 A. Yes.

4 Q. Okay. And what did he say?

5 A. Just, "Okay," pretty much.

6 Q. He didn't say, "Don't show up"?

7 A. No.

8 Q. Okay. And then where I interrupted you, my apologies,
9 you were talking about the day of the first tryout,
10 October 31st. You did show up and you were dressed and
11 you were skating, correct?

12 A. Yes, for about five minutes.

13 Q. Could it have been closer to ten minutes?

14 A. Possibly. Usually -- Or, at the beginning, we were just
15 kind of out there before tryouts technically had started,
16 just kind of warming up, skating around, shooting the
17 puck, stretching.

18 Q. Okay. So, five to ten minutes into this tryout, you
19 left, right?

20 A. Yes.

21 Q. Okay. Did you have any conversation with the coach?

22 A. No. He was in the middle of the ice, talking to players
23 and everything. And I was vomiting, so I had just gotten
24 off the ice instead of vomiting on the ice.

25 Q. You vomited on the ice?

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1 A. No. I got off right before I did.

2 Q. Okay. Did you vomit at the rink?

3 A. Yes.

4 Q. Did anyone see this?

5 A. No. It was in the locker room.

6 Q. All right. Did you go to the doctor?

7 A. I had gone to my work to get COVID tested. Because at
8 the time I was working at Bishop Noa, COVID was active.
9 I was working in the COVID unit. So I thought it could
10 have been COVID because I had all the same symptoms as
11 COVID, the cough and everything. I had gotten tested
12 that day. The rapid came back negative. So they did the
13 72-hour test, which also came back negative. And then
14 about a week after the tryout day, I believe it was, I
15 had gone to the doctor to try to -- because I was still
16 sick, to try to figure out what was going on.

17 Q. Okay. So the day of the tryout, you didn't go to the
18 doctor?

19 A. No.

20 Q. Okay. It was about a week later you went to a doctor?

21 A. Yeah.

22 Q. Okay. And what doctor did you go to?

23 A. Doctors Park.

24 Q. Could you please spell that for the court reporter?

25 A. D-o-c-t-e-r-s [sic] P-a-r-k.

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1 Q. And has that been your doctor for quite a while?

2 A. I've been going to Doctors Park for quite a while, yes.

3 Q. Okay. And at that time, were you diagnosed with
4 anything?

5 A. I can't remember what they exactly diagnosed me with, but
6 I believe I was put on a steroid to help get everything
7 back to normal.

8 Q. Okay. So the first day of the tryout, would that have
9 been a Friday?

10 A. No.

11 Q. What day would that have been?

12 A. I think it was a Monday or maybe a Wednesday. I can't
13 recall off the top of my head. But I know it wasn't a
14 Friday.

15 Q. Okay. Monday. And did you come to school the 1st or the
16 2nd?

17 A. I don't think I did, no.

18 Q. Would it surprise you if your attendance record showed
19 that you were here?

20 A. No.

21 Q. So think about that for a second. Do you think you were
22 here Tuesday or Wednesday?

23 A. No. I believe I was at home.

24 Q. Okay. And you did not come to tryouts, though, on the
25 1st or the 2nd?

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1 A. No.

2 Q. Did you tell Coach Johnson that you couldn't come to one
3 of the tryouts because you had to pick up contacts?

4 A. Yes. I actually believe I told him that I would have
5 just been a couple minutes late, not that I couldn't
6 attend the whole thing.

7 Q. Okay. But you did not come?

8 A. No. I was still sick.

9 Q. Okay. And the team was picked at the end of
10 November 2nd, correct?

11 A. I'm not sure exactly what day the team was picked.

12 Q. The last day of tryouts?

13 A. Probably, yes.

14 Q. All right. And was your brother notified that day,
15 called into the locker room saying that he didn't make
16 the team that year?

17 A. Yes.

18 Q. Okay. And how did you learn he didn't make the team?

19 A. He told me.

20 Q. What did he have to say about that?

21 A. Just that he didn't make the team.

22 Q. Are you aware that prior to the tryout happening, Coach
23 Johnson had recommended your brother play for the Eskey's
24 for another year so he would have more playing time?

25 A. I don't know about that, no.

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1 Q. All right. Would that make sense to you, to play on a
2 team if you're going to get more skating time as opposed
3 to not playing at all?

4 A. I don't think so, because I think [REDACTED] could have grown
5 more on the high school team than playing another year on
6 the bantam team. He would have grown as a player. And
7 even if he didn't play, he still would have had the
8 experience of being on the team, for one. And for two,
9 he would have been able to still be at practices and be
10 with the team and the same kids he's played hockey with
11 his whole hockey career and just have been able to get
12 better.

13 Q. All right. And do you have any medical records from the
14 appointment that you went to?

15 A. I'm not sure. I'm sure that I could find some, but I
16 don't have it at this time.

17 Q. Okay. And you think you were prescribed a steroid. But
18 were you diagnosed with any condition?

19 A. I can't remember exactly, but I had fluid in my lungs at
20 the time, and I still had like a whooping cough and I had
21 no voice, and I had -- I believe I had a fever that day
22 when I was at the doctor's as well.

23 Q. Did anyone else in your house get sick?

24 A. I don't remember.

25 Q. Did you pick up any medicines from a pharmacy?

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1 A. It would have just been that steroid, I believe.

2 Q. Okay. Anything prior in the week before that doctor's
3 appointment? Did you go to the pharmacy for any reason?

4 A. No.

5 Q. Did you go to -- Well, you had mentioned you received
6 COVID testing. Did that happen at your place of
7 employment?

8 A. Yes.

9 Q. All right. So you went there?

10 A. Yes.

11 Q. Okay. Did you work?

12 A. No.

13 Q. Why did you go there?

14 A. Because any time -- At the time, we had COVID cases, so
15 any time any employee had any symptoms of COVID, we had
16 to report it to our work. And we would have to go there,
17 they'd come outside, COVID test you, and then after your
18 COVID test comes back, it's their decision if you're
19 allowed to come in the building or work or not. But I
20 wasn't working at the time.

21 Q. Yeah, I guess that's my question. If you were calling in
22 sick to work, why would you go there to get a COVID test
23 to see if you could work?

24 A. Because they require a COVID test if you have any sort of
25 symptoms, even if you're not working.

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1 Q. Okay. But all the COVID tests were negative?

2 A. Yes.

3 Q. Are you aware that girls had previously played on
4 Escanaba's Varsity Hockey team?

5 A. Yes.

6 Q. All right. How many are you aware of?

7 A. At least two.

8 Q. And do you remember their names?

9 A. Not off the top of my head, no.

10 Q. Okay. And are you aware of any other girls trying out
11 besides you and these two girls?

12 A. No.

13 Q. So, two out of the three girls that tried out for
14 Escanaba Hockey made the team?

15 A. Yes.

16 Q. And one of those girls was a goalie; are you aware of
17 that?

18 A. I don't know off the top of my head.

19 Q. Are you aware that Mr. Johnson was the coach for the girl
20 that was on the team in 2012?

21 A. I don't know if he was possibly an assistant coach. But
22 I believe the head coach was Matt -- I can't -- His last
23 name is just not on the top of my head right now.

24 Q. All right. So you don't know what Mr. Johnson's status
25 was with the program that year?

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1 to anyone, no.

2 BY MR. MILLER:

3 Q. And I believe your mom made a complaint to the
4 superintendent, Coby Fletcher, verbally on December 2nd,
5 2022. Does that sound right?

6 A. Yes.

7 Q. Okay. Were there any complaints made prior to that?

8 A. Not that I know of.

9 Q. Did you know your mom was making that complaint?

10 A. Yes.

11 Q. Did you want her to?

12 A. Yes.

13 Q. Is there a reason you didn't make the complaint?

14 A. I would have if she didn't.

15 Q. All right. Did you participate in that phone call? Was
16 it on speakerphone or anything?

17 A. I believe the phone call took place while I was at
18 school, so no.

19 Q. Did you learn about it -- How did you learn about the
20 phone call?

21 A. My mom told me.

22 Q. And what did she say?

23 A. I don't remember exactly what she said. She just told me
24 she talked to him.

25 Q. Do you think Coach Johnson should lose his job?

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1 A. Yes.

2 Q. All right. Besides not making the team your senior year,
3 the varsity -- or, the senior night with jerseys, is
4 there anything else that you believe that was sex
5 discrimination?

6 MR. CLARK: Objection, calls for a legal
7 conclusion.

8 You can respond.

9 THE WITNESS: Besides making the team as a
10 player or senior night, I was also denied being a
11 manager.

12 BY MR. MILLER:

13 Q. And who was the manager that year?

14 A. There was only one that year, and it was Caden Fulsher.

15 Q. Is that the same name that you just said that was going
16 to be a roommate?

17 A. His sister.

18 Q. Oh, okay. And, I'm sorry, what was the first name of the
19 manager?

20 A. Caden.

21 Q. Okay. I thought you said Kaitlyn. All right. Caden.
22 All right. And Caden is a boy?

23 A. Correct.

24 Q. Okay. And then November 7th, 2022, you sent a fairly
25 long text message to the coach. Do you remember that?

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1 A. I remember sending something. I don't remember exactly
2 what was said. But yes.

3 Q. Okay. In part of that text message, you said, "I
4 understand I wouldn't get a lot of playing time anyway,
5 which is fine."

6 A. Yes.

7 Q. All right. And why did you conclude you wouldn't get a
8 lot of playing time anyways?

9 A. Mostly because I was a girl, and comments had already
10 been made by like other people who were on the team that
11 I wasn't going to get playing time if I was on the team.
12 And there were players on the team that were better than
13 me, but I just wanted to be on the team, and it would
14 have had me grow as a player and a person. And even if I
15 didn't get a lot of playing time, it still would have had
16 me grow as a player and become better rather than the
17 Traverse City team I was on.

18 Q. Okay. But wouldn't you agree that varsity athletics at a
19 high school, the goal is for the team to succeed, not
20 necessarily help an individual grow?

21 A. Yes. And I believe that I would have helped the team
22 succeed either way.

23 Q. Okay. The next year, you wouldn't have been able to play
24 on Escanaba Hockey, correct?

25 A. Correct.

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1 Q. All right. And in that text message, you also said,
2 "The boys have always kind of shut me out when it comes
3 to hockey."

4 A. Yes.

5 Q. What were you referencing there?

6 A. Just kind of growing up, all the boys, they kind of had
7 their own thing. I've been the only girl for quite a
8 while. So they obviously like, you know -- When we're at
9 games or at away games or whatever, they're all hanging
10 out or whatever, and then they don't necessarily invite
11 me just because, you know, they just want it to be guys.
12 And some of them think that it should just be a guys-only
13 sport. And they've never necessarily like gone out of
14 their way to include me in things.

15 Q. Okay. All of that was the Esky league, not anything to
16 do with Escanaba Schools, correct?

17 A. Correct.

18 Q. All right. Did any boys on the varsity hockey team ever
19 sexually harass you?

20 A. No.

21 MR. CLARK: Objection, calls for a legal
22 conclusion.

23 You can respond.

24 MR. MILLER: Did you hear her "no"?

25 THE COURT REPORTER: She said, "No."

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1 THE WITNESS: There were comments made in the
2 past, like, on bantam teams just that weren't necessarily
3 towards me, but about females. And Tim Martineau had
4 told all the boys that there was no more of any of that,
5 and that they all needed to respect females and respect
6 me and kind of just get over themselves, and that I was
7 there, I was part of the team, I was no different than
8 anyone else, and that I deserved to be there as much as
9 any of the rest of them.

10 BY MR. MILLER:

11 Q. All right. Did you ever report to any school
12 administrators that boys were being mean to you relating
13 to hockey?

14 A. No.

15 Q. Did you report to any school employees at all?

16 A. No.

17 Q. All right. Have you seen any doctors or therapists for
18 anything that you attribute to this lawsuit?

19 A. No.

20 Q. Okay. What about to not making the Escanaba varsity
21 team, have you seen any doctors or therapists?

22 A. No.

23 Q. All right. So you haven't been prescribed any medication
24 for events relating to hockey at the school district or
25 this lawsuit?